



CP/3736

PATENT

**CERTIFICATE OF MAILING**

I hereby certify that on November 1, 2002, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.

*Trudi Thompson*  
Trudi Thompson

Applicant: **Casscells et al.**  
Serial No.: **09/188,661**  
Filed: **November 09, 1998**  
Title: **METHOD & APPARATUS FOR  
DETECTION OF  
VULNERABLE  
ATHEROSCLEROTIC PLAQUE**  
Group Art Unit: **3736**  
Examiner: **E. Winakur**  
Docket No.: **21120-104 (1441-00109)**

#8  
11-14-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, DC 20231

**RECEIVED**

**NOV 12 2002**

TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action mailed October 3, 2002, Applicants hereby submit the following election of claims to be examined. Claims 1-35 are pending in the application. Pursuant to the Office Action, Applicants have been required to restrict the application to one of the following groups of claims:

- I. Claims 1-21, 23 and 31-34, drawn to a method of measuring at least two chemical parameters associated with atherosclerotic plaque, class 600, subclass 310.
- II. Claim 22, drawn to a method of detecting inflamed plaque, class 600, subclass 309.
- III. Claims 24-30 drawn to a multipurpose catheter, class 600, subclass 101.
- IV. Claim 35, drawn to a method of detecting infection, cancer, wound or autoimmune disease, class 600, subclass 309.

In accord with the restriction requirement, Applicants elect to prosecute claims 1-21, 23 and 31-34, indicated as group I. in the Office Action. Applicants respectfully acknowledge the restriction requirement with regard to group III. and the remaining claims. However, Applicants respectfully traverse the aforementioned restriction requirement as to groups I., II. and IV.

A restriction requirement is properly made when distinct inventions are present and a serious burden on the examiner will result from joinder of the claims. MPEP 803. A prima facie showing of a serious burden for the Examiner can be made by a showing of separate classification, separate status in the art or different field of search for the claims. With regard to the groups of claims above, groups II. and IV. are in the same class and subclass, i.e., class 600, subclass 309. In addition, Applicants respectfully suggest that it would not be seriously burdensome on the Examiner to further include groups II. and IV. with group I. which is classified under class 600, subclass 310, a closely related subclass. Based on the foregoing, Applicants respectfully request reconsideration of the restriction requirement and withdrawal of same.

Respectfully submitted,

November 1, 2002



William B. Anderson  
Registration No. 41,585

OPPENHEIMER WOLFF & DONNELLY LLP  
840 Newport Center Drive, Suite 700  
Newport Beach, CA 92660  
Telephone: 949.823.6000  
Facsimile: 949.823.6100

650  
813  
4800